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Air Pollution Regulations in State Implementation Plans: California, Great Basin Unified APCD

Abcor, Inc, Wilmington, MA Walden Div

Prepared for

Environmental Protection Agency, Research Triangle Park, NC Control Programs Development Div

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Air Pollution Regulations in State Implementation Plans:

California
Great Basin
Unified APCD

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This document has been produced in compliance with Section 110(h)(1) of the Clean Air Act amendments of 1977. The Federally enforceable regulations contained in the State Implementation Plans (SIPs) have been compiled for all 56 States and territories (with the exception of the Northern Mariana Islands). They consist of both the Federally approved State and/or local air quality regulations as indicated in the Federal Register and the Federally promulgated regulations for the State, as indicated in the Federal Register. Regulations which fall into one of the above categories as of January 1, 1978, have been incorporated. As mandated by Congress, this document will be updated annually. State and/or local air quality regulations which have not been Federally approved as of January 1, 1978, are not included here; omission of these regulations from this document in no way affects the ability of the respective Federal, State, or local agencies to enforce such regulations.

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Air Pollution Regulations in State Implementation Plans:

California
Great Basin Unified APCD

by

Walden Division of Abcor, Inc.
Wilmington, Massachusetts

Contract No. 68-02-2890

EPA Project Officer: Bob Schell

Prepared for

U.S. ENVIRONMENTAL PROTECTION AGENCY
Office of Air, Noise, and Radiation
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

August 1978

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Publication No. EPA-450/3-78-054-9

INTRODUCTION

This document has been produced in compliance with Section 110(h)(1) of the Clean Air Act Amendments of 1977. The Federally enforceable regulations contained in the State Implementation Plans (SIPs) have been compiled for all 56 States and territories (with the exception of the Northern Mariana Islands). They consist of both the Federally approved State and/or local air quality regulations as indicated in the Federal Register and the Federally promulgated regulations for the State, as indicated in the Federal Register. Regulations which fall into one of the above categories as of January 1, 1978, have been incorporated. As mandated by Congress, this document will be updated annually. State and/or local air quality regulations which have not been Federally approved as of January 1, 1978, are not included here; omission of these regulations from this document in no way affects the ability of the respective Federal, State, or local agencies to enforce such regulations.

There have been recent changes in the Federal enforceability of parking management regulations and indirect source regulations. The October, 1977, appropriation bill for EPA prohibited Federal enforcement of parking management regulations in the absence of specific Federal authorizing legislation. Federally promulgated parking management regulations have, therefore, been suspended indefinitely. Pursuant to the 1977 Clean Air Act Amendments, indirect source regulations may not be required for the approval of a given SIP. Consequently, any State adopted indirect source regulations may be suspended or revoked; State adopted indirect source regulations contained in an applicable SIP are Federally enforceable. More importantly, EPA may only promulgate indirect source review regulations which are specific to Federally funded, operated, or owned facilities or projects. Therefore, the Federally promulgated indirect source regulations appearing in this document are not enforceable by EPA except as they relate to Federal facilities.

Since State air quality regulations vary widely in their organization, content, and language, a standardized subject index is utilized in this document. Index listings consist of both contaminant and activity oriented categories to facilitate usage. For example, for regulations which apply to copper smelters, one might look under sulfur compounds (50.2), particulate matter process weight (50.1.1), or copper smelters (51.15). Federal regulations pertaining to a given State immediately follow the approved State and local regulations.

Additionally, a summary sheet of the information included in each comprehensive document is presented prior to the regulatory text to allow one to quickly assess the contents of the document. Specifically, the summary sheets contain the date of submittal to EPA of each revision

to the SIP and the date of the Federal Register in which the revision was either approved or disapproved by EPA. Finally, a brief description or reference of the regulation which was submitted is also included.

This document is not intended to provide a tool for determining the enforceability of any given regulation. As stated above, it is intended to provide a comprehensive compilation of those regulations which are incorporated directly or by reference into Title 40, Part 52, of the Code of Federal Regulations. Consequently, the exclusion of a Federally approved regulation from this document does not diminish the enforceability of the regulation. Similarly, the inclusion of a given regulation (for example, regulations governing pollutants, such as odors, for which there is no national ambient air quality standards) in this document does not, in itself, render the regulation enforceable.

SUMMARY SHEET

OF

EPA - APPROVED REGULATION CHANGES

Great Basin Unified APCD

Submittal Date	Approval Date	Description
4/21/70	12/8/76	Rules 200 - 216 Note: 206, 207, 208 not acted on yet
4/21/76	6/6/77	Rules 100 - 107, 215, 300 - 303, 400 - 402, 404 - 413, 416 - 421, 500 - 501, 600 - 616, 800 - 817

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STATE AIR POLLUTION REGULATIONS

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REGULATION I - GENERAL PROVISIONS

(2.0) RULE 100 - Title.

These rules and regulations shall be known as the Rules and Regulations of the Great Basin Unified Air Pollution Control District, and shall have jurisdiction throughout the counties of Inyo, Mono, and Alpine.

(1.0) RULE 101 - Definitions.

Except as otherwise specifically provided in these rules and except where the content otherwise indicates, words used in these rules are used in exactly the same sense as the same words are used in Part 1 of Division 26 of the Health and Safety Code.

a. Agricultural Operation. "Agricultural Operation" means the growing of crops, the raising of fowl , animals or bees, as a gainful occupation.

b. Air Contaminants. "Air Contaminant" includes smoke, charred paper, dust cooloids, soot, grime, carbon, noxious acid, noxious fumes, noxious gases, odors, or particulate matter, or any combination thereof.

c. Atmosphere. "Atmosphere" means the air that envelops or surrounds the earth. Where air contaminants are emitted into a building or structure not designed specifically as a piece of air pollution control equipment such emission into the building or structure shall be considered an emission into the atmosphere.

d. Board. "Board" means the Air Pollution Control Board of the Great Basin Unified Air Pollution Control District.

e. Burn Day. "Burn Day" means a day on which the California Air Resources Board determines that agricultural burning is permitted with the Great Basin Unified Air Pollution Control District.

f. Combustible Refuse. "Combustible Refuse" is any solid or liquid combustible waste material containing carbon in a free or combined state.

g. Combustion Contaminants. "Combustion Contaminants" are solid or liquid particles discharged into the atmosphere from the burning of any kind of material containing carbon in a free or combined state.

h. Dusts. "Dusts" are minute solid particles released into the air by natural forces or by mechanical processes such as crushing,

grinding, milling, drilling, demolishing, blasting, shoveling, conveying, covering, bagging and sweeping or any combination thereof.

i. Flue. "Flue" means any duct or passage for air, gases, or the like, such as a stack or chimney.

j. Fumes. "Fumes" are minute solid particles generated by the condensation of vapors from solid matter after volatilization from the molten state, or generated by sublimation, distillation, calcination or chemical reaction, when these processes create air-borne particles.

k. Household Rubbish. "Household Rubbish" means combustible waste material and trash, including garden trash and prunings, normally accumulated by a family in a residence in the course of ordinary day to day living. Tires, oils, and other petroleum products are excluded.

l. Incinerator. "Incinerator" means any furnace or other closed fire chamber used for the burning of combustible refuse from which the products of combustion are directed through a chimney or flue.

m. Multiple-Chamber Incinerator. "Multiple-Chamber Incinerator" is any article, machine, equipment, contrivance, structure or part of a structure, used to dispose of combustible refuse by burning, consisting of three or more refractory lined combustion furnaces in series, physically separated by refractory walls, interconnected by gas passage ports or ducts and employing adequate design parameters necessary for maximum combustion of the material to be burned.

n. Oil-Effluent Water Separator. "Oil-Effluent Water Separator" is any tank, box, sump or other container in which any petroleum or product thereof, floating on or entrained or contained in water entering such tank, box, sump or other container, is physically separated and removed from such water prior to outfall, drainage, or recovery of such water.

o. Open Outdoor Fire. "Open Outdoor Fire" means the burning or smoldering of any combustible material of any type outdoors in the open air, either inside or outside a fireproof container, where the products of combustion are not directed through a chimney or flue.

p. Particulate Matter. "Particulate Matter" is any material, except uncombined water, which exists in a finely divided form as a liquid or solid at standard conditions.

q. Person. "Person" means any person, firm, association, organization, partnership, business trust, corporation, company, contractor, supplier, installer, user, owner, or any Federal, State or local governmental agency or public district, or any officer, or any employee thereof. "Person" also means the United States or its agencies, to the extent authorized by Federal Law.

r. Process Weight per Hour. "Process Weight" is the total weight of all materials introduced into any specific process which process may cause any discharge into the atmosphere. Solid fuels charged will be considered as part of the process weight, but liquid and gaseous fuels and combustion air will not. "The Process Weight per Hour" will be derived by dividing the total weight by the number of hours in one cycle of operation from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle.

s. Regulation. "Regulation" means one of the major subdivisions of the rules of the Great Basin Unified Air Pollution Control District.

t. Rule. "Rule" means a rule of the Great Basin Unified Air Pollution Control District.

u. Section. "Section" means the section of the Health and Safety Code of the State of California, as amended effective January 1, 1976, unless some other statute is specifically mentioned.

v. Source Operation. "Source Operation" means the last operation preceding the emission of an air contaminant for which the operation both:

1. results in the separation of the air contaminant from the process materials or in the conversion of the process materials into air contaminants, as in the case of combustion of fuel, and

2. is not an air pollution abatement operation.

(2.0) RULE 102 - Standard Conditions.

As used in these regulations, standard conditions are a gas temperature of 60 degrees Fahrenheit and a gas pressure of 14.7 pounds per square inch absolute. Results of all analyses and tests shall be reduced to standard conditions and shall be calculated to and reported at this gas temperature and pressure.

(2.0) RULE 103 - Effective Date.

These Rules and Regulations replace the District's existing Rules and

Regulations and shall take effect on March 11, 1976. Future amendments to these Rules and Regulations shall take effect on the dates specified therein or as specified in the order by which they are adopted.

(2.0) RULE 104 - Amendment Procedures.

The procedures for the adoption of these Rules and Regulations, and future amendments herein, shall be in accordance with Sections 40700 through Section 40704 inclusive, of the California Health and Safety Code.

(15.0) RULE 105 - Arrests and Notices to Appear.

Pursuant to the provisions of Penal Code Section 836.5, the Air Pollution Control Officer and his deputies are authorized to arrest without a warrant and issue written notices to appear whenever they have a reasonable cause to believe that the person to be arrested has committed a misdemeanor in their presence which is a violation of a rule or regulation of the Great Basin Unified Air Pollution Control District or a violation of a section in Part 1 or Part 4 of Division 26 of the Health and Safety Code of the State of California, or any provision of the Vehicle Code relating to the emission or control of air contaminants.

(2.0) RULE 106 - Increments of Progress.

a. Unless and until the Air Pollution Control District Hearing Board authorizes such operation, no person shall operate any article, machine, equipment or any other contrivance if such person fails to achieve any scheduled increment of progress established pursuant to Sections 42358 or 41703, Health and Safety Codes or by the Air Pollution Control Board pursuant to Section 41703 of the Health and Safety Code.

b. Whenever the Air Pollution Control Board adopts or modifies a rule in Regulation IV of these regulations and such new rule or modified rule contains a compliance schedule with increments of progress, the owner or operator of the affected article, machine, equipment, or other contrivance shall, within five days after each of the dates specified in the compliance schedule, certify to the Air Pollution Control Officer, in the form and manner specified by the Air Pollution Control Officer, that the increments of progress have or have not been achieved.

c. Whenever the Air Pollution Control District Hearing Board approves a compliance schedule with increments of progress, the owner or operator of the affected article, machine, equipment or other contrivance shall, within five days after each of the dates specified in the compliance schedule, certify to the Air Pollution Control

Officer, in the form and manner specified that the increments of progress have or have not been achieved.

d. For the purposes on this Rule:

1. "Compliance Schedule" means the date or dates by which a source or category of sources is required to comply with specific emission limitations contained in any air pollution rule, regulation, or statute and with any increment of progress toward such compliance.

2. "Increments of Progress" means steps toward compliance which will be taken including:

a. The date of submittal of the source's final control plan to the Air Pollution Control Officer.

b. The date by which contracts for emission control systems of process modifications will be awarded; or the date by which orders will be issued for the purchase of component parts to accomplish modification.

c. The date of initiation of onsite construction or installation of emission control equipment or process change.

d. The date by which onsite construction or installation of emission control equipment or process modification is to be completed.

e. The date by which final compliance is to be achieved.

f. Such additional increments of progress as may be necessary or appropriate to permit close and effective supervision.

(2.0) RULE 107 - Constitutionality.

If any rule, part of a rule, sentence, clause or phrase of these regulations is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of these regulations.

REGULATION II - PERMITS

(3.0) RULE 200 - Permits Required.

a. Authority to Construct. Before any person builds, erects, alters or replaces any article, machine, equipment or other contrivance which may cause the issuance of air contaminants or the use of which may eliminate or reduce or control the issuance of air contaminants, such person shall obtain a written authority to construct from the Air Pollution Control Officer. An authority to construct shall remain in effect until the permit to operate the equipment for which the application was filed is granted or denied or the application is cancelled.

b. Permit to Operate. Before any person operates or uses any article, machine, equipment or other contrivance which may cause the issuance of air contaminants, a written permit shall be obtained from the Air Pollution Control Officer. No permit to operate or use shall be granted either by the Air Pollution Control Officer, or the Hearing Board for any such article, machine, equipment or contrivance described herein until the information required is presented to the Air Pollution Control Officer and such article, machine, equipment or contrivance is altered, if necessary, and made to conform to the standards set forth in Rule 212 and elsewhere in these Rules and Regulations.

c. Review of Permits. The Air Pollution Control Officer may at any time require from an applicant for, or holder of, any authority to construct or permit to operate, such information, analyses plans, or specifications as will disclose the nature, extent, quantity or degree of air contaminants which are or may be discharged into the atmosphere.

d. Post of Permit to Operate. A person who has been granted under Rule 200 (b) a permit to operate any article, machine, equipment or other contrivance described in Rule 200 (b), shall firmly affix such permit to operate, or an approved facsimile, or other approved identification bearing the permit number upon the article, machine, equipment or other contrivance in such a manner as to be clearly visible and accessible. In the event that the article, machine, equipment or other contrivance is so constructed or operated that the permit to operate cannot be so placed, the permit to operate shall be mounted so as to be clearly visible in an accessible place within 25 feet of the article, machine equipment or other contrivance, or maintained readily available at all times on the operating premises.

e. Alteration of Permit. A person shall not willfully deface, alter, forge, counterfeit, or falsify any permit issued under these Rules and Regulations.

f. Control Equipment. Nothing in this rule shall be construed to authorize the control officer to require the use of machinery, devices, or equipment of a particular type or design if the required emission standard may be consistently met by machinery, devices, equipment, product or process change otherwise available.

(2.0) RULE 201 - Exemptions.

An authority to construct or a permit to operate shall not be required for the sources hereinafter set out, provided, however, said sources shall comply with all other applicable District Rules and Regulations.

a. Vehicles as defined by the Vehicle Code of the State of California but not including any article, machine, equipment, or other contrivance mounted on such vehicle that would otherwise require a permit under the provisions of these Rules and Regulations.

b. Vehicles used to transport passengers or freight.

c. Equipment utilized, exclusively in connection with any structure which is designed for and used exclusively as a dwelling for not more than four families.

d. The following equipment:

1. Comfort air conditioning or comfort ventilating systems which are not designed to remove air contaminants generated by or released from specific units or equipment.

2. Refrigeration units except those used as, or in conjunction with, air pollution control equipment.

3. Piston-type internal combustion engines.

4. Water cooling towers and water cooling ponds not used for evaporative cooling of process water or not used for evaporative cooling of water from barometric jets or from barometric condensers.

5. Equipment used exclusively for steam cleaning.

6. Presses used exclusively for extruding metals, minerals, plastics or wood.

7. Presses used for the curing of rubber products and plastic products.

8. Equipment used exclusively for space heating other than boilers.

9. Equipment used for hydraulic or hydrostatic testing.

10. All sheet-fed printing presses and all other printing presses without dryers.

11. Tanks, vessels and pumping equipment used exclusively for the storage or dispensing of fresh commercial or purer grades of:

    a. Sulfuric acid with an acid strength of 99 percent or less by weight.

    b. Phosphoric acid with an acid strength of 99 percent or less by weight.

12. Ovens used exclusively for the curing of plastics which are concurrently being vacuum held to a mold or for the softening or annealing of plastics.

13. Equipment used exclusively for the dyeing or stripping (bleaching) of textiles where no organic solvents, diluents or thinners are used.

14. Equipment used exclusively to mill or grind coatings and molding compound where all materials charged are in a paste form.

15. Crucible type or pot type furnaces with a brimful capacity of less than 450 cubic inches of any molten metal.

16. Equipment used exclusively for the melting or applying of wax where no organic solvents, diluents or thinners are used.

17. Equipment used exclusively for bonding lining to brake shoes.

18. Lint traps used exclusively in conjunction with dry cleaning tumblers.

19. Equipment used in eating establishments for the purpose of preparing food for human consumption.

20. Equipment used exclusively to compress or hold dry natural gas.

21. Tumblers used for the cleaning or deburring of metal products without abrasive blasting.

22. Shell core and shell mold manufacturing machines.

23. Molds used for the casting of metals.

24. Abrasive blast cabinet-dust filter integral combination units where the total internal volume of the blast section is 50 cubic feet or less.

25. Batch mixers of five cubic feet rated working capacity or less.

26. Equipment used exclusively for the packaging of lubricants or greases.

27. Equipment used exclusively for the manufacture of water emulsions of asphalt, greases, oils or waxes.

28. Ovens used exclusively for the curing of vinyl plastisols by the closed molding curing process.

29. Equipment used exclusively for conveying and storing plastic pellets.

30. Equipment used exclusively for the mixing and blending of materials at ambient temperature to make water-based adhesives.

31. Smokehouses in which the maximum horizontal inside cross-sectional area does not exceed 20 square feet.

32. Platen presses used for laminating.

33. Equipment used exclusively to grind, blend, or package tea, cocoa, spices or roasted coffee.

e. The following equipment or any exhaust system or collector serving exclusively such equipment:

1. Blast cleaning equipment using a suspension of abrasive in water.

2. Ovens, mixers and blenders used in bakeries where products are edible and intended for human consumption.

3. Kilns used for firing ceramic water, heated exclusively by natural gas, liquified petroleum gas, electricity or any combination thereof.

4. Laboratory equipment used exclusively for chemical or physical analyses and bench scale laboratory equipment.

5. Equipment used for inspection of metal products.

6. Confection cookers where the products are edible and intended for human consumption.

7. Equipment used exclusively for forging, pressing, rolling or drawing of metals or for heating metals immediately prior to forging, pressing, rolling or drawing.

8. Die casting machines.

9. Atmospheric generators used in connection with metal heat treating processes.

10. Photographic process equipment by which an image is reproduced upon material sensitized to radiant energy.

11. Brazing, soldering, or welding equipment.

12. Equipment used excusively for the sintering of glass or metals.

13. Equipment used for buffing (except automatic or semi-automatic tire buffers), or polishing, carving, cutting, drilling, machining, routing, sanding, sawing, surface grinding or turning of ceramic artwork, ceramic precision parts, leather, metals, plastics, rubber, fiberboard, masonry, carbon or graphite.

14. Equipment used for carving, cutting, drilling, surface grinding, planing, routing, sanding, sawing, shredding or turning of wood, or the pressing or storing of sawdust, wood chips or wood shavings.

15. Equipment using aqueous solutions for surface preparation, cleaning, stripping, etching, (does not include chemical milling) or the electrolytic plating with electrolytic polishing of, or the electrolytic stripping of brass, bronze, cadmin, copper, iron, lead, nickel, tin, zinc, and precious metals.

16. Equipment used for washing or drying products fabricated from metal or glass, provided that no volatile organic materials are used in the process and that no oil or solid fuel is burned.

17. Laundry dryers, extractors or tumblers used for fabrics cleaned only with water solutions of bleach or detergents.

18. Foundry sand mold forming equipment to which no heat is applied.

19. Ovens used exclusively for curing potting materials or castings made with epoxy resins.

20. Equipment used to liquefy or separate oxygen, nitrogen, or the rare gases from the air.

21. Equipment used for compression molding and injection molding of plastics.

22. Mixers for rubber or plastics where no material in powder form is added and no organic solvents, diluents or thinners are used.

23. Equipment used exclusively to package pharmaceuticals and cosmetics or to coat pharmaceutical tablets.

24. Roll mills or calenders for rubber or plastic where no organic solvents, diluents, or thinners are used.

25. Vacuum producing devices used in laboratory operations or in connection with other equipment which is exempt by Rule 201.

f. Steam generators, steam superheaters, water boilers, water heaters, and closed heat transfer systems that have a maximum heat input rate of less than 15 million British Thermal Units (BTU) per hour (gross), and are fired exclusively with natural gas or liquified petroleum gas or any combination thereof.

g. Natural draft hoods, natural draft stacks or natural draft ventilators.

h. Containers, reservoirs, or tanks used exclusively for:

1. Dipping operations for coating objects with oils, waxes, or greases where no organic solvents, diluents, or thinners are used.

2. Dipping operations for applying coatings of natural or synthetic resins which contain no organic solvents.

3. Storage of liquified gases.

4. Unheating storage of organic materials with an initial boiling point of 300°F or greater.

5. The storage of fuel oils with a gravity of 25° API or lower.

6. The storage of lubricating oils.

7. The storage of organic liquids, except gasoline, normally used as solvents, diluents or thinners, inks, colorants, paints, lacquers, enamels, varnishes, liquid resins or other surface coatings, and having a capacity of 6,000 gallons or less.

8. The storage of liquid soaps, liquid detergents, waxes, wax emulsions or vegetable oils.

9. Asphalt elting kettles or molten asphalt holding tanks with less than 250 gallon capacity.

10. Unheated solvent dispensing containers, unheated non-conveyorized solvent rinsing containers or unheated non-conveyorized coating dip tanks of 250 gallons capacity or less.

11. Storage of gasoline in underground tanks having a capacity of 250 gallons or less or installed prior to December 31, 1970.

i. Equipment used exclusively for heat treating glass or metals, or used exclusively for case hardening, carburizing, cyaniding, nitriding, carbonitriding, siliconizing or diffusion treating of metal objects.

j. Crucible furnaces, pot furnaces or induction furnaces, with a capacity of 1,000 pounds or less each, in which no sweating or distilling is conducted and from which only the following metals are held in a molten state:

1. Aluminum or any alloy containing over 50 percent aluminum.

2. Magnesium or any alloy containing over 50 percent magnesium.

3. Lead or any alloy containing over 50 percent lead.

4. Tin or any alloy containing over 50 percent tin.

5. Zinc or any alloy containing over 50 percent zinc.

6. Copper.

7. Precious metals.

k. Furnaces for the melting of lead or any alloy, or the holding of lead or any alloy in a molten state where the metal is used exclusively in printing processes.

l. Vacuum cleaning systems used exclusively for industrial, commercial or residential housekeeping purposes.

m. Structural changes which cannot change the quality, nature or quantity of air contaminant emissions.

n. Repairs or maintenance not involving structural changes to any equipment for which a permit has been granted.

o. Identical replacements in whole or in part of any article, machine, equipment or other contrivance where a permit to operate has previously been granted for such equipment under Rule 200; however, this exception shall not be applicable to equipment or air pollution control equipment with respect to the loading of gasoline into stationary tanks (Rule 419).

(2.0) RULE 202 - Transfer.

An authority to construct or permit to operate shall not be transferable, by operation of law or otherwise, either from one location to another, from one piece of equipment to another, or from one person to another.

(3.0) RULE 203 - Applications.

Every application for an authority to construct or permit to operate required under Rule 200 shall be filed in the manner and form prescribed by the Air Pollution Control Officer, and shall give all the information necessary to enable the Air Pollution Control Officer to make the determination required by Rule 209 hereof.

(3.0) RULE 204 - Cancellation of Applications.

An authority to construct shall expire and the application shall be cancelled two years from the date of issuance of the authority to construct; provided, however, that when a period of longer than two years is stated in the application to be required for the construction, the authority to construct shall expire and the application shall be cancelled upon the expiration of the stated construction period, but in any event not later than five years from the date of issuance of the authority to construct.

(3.0) RULE 205 - Action on Applications.

The Air Pollution Control Officer shall act within 60 days after receipt of an application for authority to construct, or permit to operate, or within 30 days after the applicant furnishes additional information requested by the Air Pollution Control Officer; and shall notify the applicant in writing by mail or in person of the action taken; namely, approval, conditional approval or denial. Notice of the action taken shall be deemed to have been given when the written notification has been deposited in the mail, postpaid, addressed to the address shown on the application, or when personally delivered

to the applicant or his representative.

(3.0) RULE 209 - Standards for Granting Applications.

a. The Air Pollution Control Officer shall deny an authority to construct, permit to operate or use, except as provided in Rule 210 if the applicant does not show that every article, machine, equipment or other contrivance, the use of which may cause the issuance of air contaminants or the use of which may eliminate or reduce or control the issuance of air contaminants, is so designed, controlled or equipped with such air pollution control equipment that it may be expected to operate without emitting air contaminants in violation of these Rules and Regulations.

b. The Air Pollution Control Officer shall deny an authority to construct, or permit to operate or use, if said Air Pollution Control Officer finds that the use of the article, machine, equipment or other contrivance which is the subject of said authority or permit is likely to cause the emission of air contaminants to the extent that air quality standards adopted by the California Air Resources Board or the Environmental Protection Agency will be exceeded in the vicinity of said use or within the Great Basin Unified Air Pollution Control District.

c. Before an authority to construct or a permit to operate is granted, the Air Pollution Control Officer may require the applicant to provide and maintain such facilities as are necessary for sampling and testing purposes in order to secure information that will disclose the nature, extent, quantity or degree of air contaminants discharged into the atmosphere from the article, machine, equipment or other contrivance described in the authority to construct or permit to operate. In the event of such requirement, the Air Pollution Control Officer shall notify the applicant in writing of the required size, number and location of sampling holes; the size and location of the sampling platform; the access to the sampling plateform; and the utilities for operating the sampling and testing equipment. The platform and access shall be constructed in accordance with the General Industrial Safety Orders of State of California.

d. In acting upon a permit to operate, if the Air Pollution Control Officer finds that the article, machine, equipment or other contrivance has not been constructed in accordance with the authority to construct, he shall deny the permit to operate. The Air Pollution Control Officer shall not accept any further application for permit to operate the article, machine, equipment, or other contrivance so constructed until he finds that the article, machine, equipment or other contrivance has been constructed in accordance with the authority to construct.

e. The granting of a permit does not exempt the holder from present and future regulations of the Air Pollution Control District.

(2.0) RULE 210 - Conditional Approval.

The Air Pollution Control Officer may issue an authority to construct or a permit to operate or use, subject to conditions which will assure the operation of any article, machine, equipment or other contrivance within the standards of Rule 209 in which case the conditions shall be specified in writing. Commencing work under such an authority to construct or operation under such a permit to operate shall be deemed acceptance of all the conditions so specified. The Air Pollution Control Officer shall issue an authority to construct or a permit to operate with revised conditions upon receipt of a new application, if the applicant demonstrates that the article, machine, equipment or other contrivance can operate within the standards of Rule 209 under the revised conditions.

(3.0) RULE 211 - Denial of Applications.

In the event of denial of an authority to construct or permit to operate, the Air Pollution Control Officer shall notify the applicant in writing of the reasons therefore. Service of this notification may be made in person or by mail, addressed to the applicant at the address set forth on the application, and such service may be approved by the written acknowledgement of the persons served or affidavit of the person making the service. The Air Pollution Control Officer shall not accept a further application unless the applicant has complied with the objections specified by the Air Pollution Control Officer as his reasons for denial of the authority to construct or the permit to operate.

(2.0) RULE 212 - Additional Information.

Before acting on an application for authority to construct or permit to operate, the Air Pollution Control Officer may require the applicant to furnish additional information or further plans or specifications.

(3.0) RULE 213 - Applications Deemed Denied.

The applicant may at his option deem the authority to construct or permit to operate denied if the Air Pollution Control Officer fails to act on the application within 60 days after filing, or within 30 days after applicant furnishes the further information, plans and specifications requested by the Air Pollution Control Officer, whichever is later.

(2.0) RULE 214 - Appeals.

Within ten days after notice by the Air Pollution Control Officer of denial or conditional approval of an authority to construct or permit to operate, or within ten days after the application is deemed denied, pursuant to Rule 213, the applicant may petition the Hearing Board, in writing, for a public hearing. The Hearing Board, after notice and a public hearing held within 30 days after filing the petition, may sustain, reverse or modify the action of the Air Pollution Control Officer; such order may be made subject to specified conditions.

(14.0) RULE 215 - Public Availability of Emission Data.

a. The owner or operator of any stationary source within the Great Basin Unified Air Pollution Control District shall, upon notification from the Air Pollution Control Officer maintain records of the nature and amounts of emission from such source and/or any other information as may be deemed necessary by the Air Pollution Control Officer to determine whether such source is in compliance with applicable emission limitations or other control measures.

b. The information recorded shall be summarized and reported to the Air Pollution Control Officer on forms furnished by the Great Basin Unified Air Pollution Control District and shall be submitted within 30 days after the end of the reporting period. Reporting periods are January 1 - June 30 and July 1 - December 31, except that the initial reporting period shall commence on the date the Air Pollution Control Officer issues notification of the record keeping requirements.

c. Information recorded by the owner or operator and copies of the summarizing reports submitted to the Air Pollution Control Officer shall be retained by the owner or operator for two years after the date on which the pertinent report is submitted.

d. Emission data obtained from owners or operators of stationary sources pursuant to this paragraph will be correlated with applicable emission limitations and other control measures and will be available to the public during normal business hours at the District's Office.

e. Request for public records should be specific and in sufficient detail that the District may readily identify the specific information requested. However, the owner of a source may request that information provided to the Air Pollution Control District, which information shall not include actual emission data, be treated as a trade secret pursuant to Government Code Section 6254.7. Written justification for such requests are to be submitted to

the Air Pollution Control District, and such justification will be considered public record. The Air Pollution Control Officer shall rule upon requests for trade secret status within thirty (30) days of receipt of such request.

(10.0) RULE 216 - New Source Review Requirements for Determining Impact on Air Quality.

a. Authority to Construct.

1. The Air Pollution Control Officer shall deny an authority to construct for any new stationary source or modification of an existing stationary source specified in paragraph (2) of this rule unless he determined that the emissions from the new source or modification may not be expected to result in the violation or a contribution to the continued violation of any state or national ambient air quality standard.

2. The Air Pollution Control Officer shall apply the provisions of this rule to:

A. Any proposed new stationary source which he estimates will emit:

(i) More than either fifteen (15) pounds per hour or 150 pounds per day of nitrogen oxides, organic gases or any air contaminant for which there is a state or national ambient air quality standard, except carbon monoxide, or,

(ii) More than either 150 pounds per hour or 1500 pounds per day of carbon monoxide.

B. Any proposed modification of an existing stationary source that he estimates will emit after modification:

(i) More than either fifteen (15) pounds per day of nitrogen oxides, organic gases or any air contaminant for which there is a state or national ambient air quality standard except carbon monoxide, or,

(ii) More than either 150 pounds per hour or 1500 pounds per day of carbon monoxide.

3. The Air Pollution Control Officer may exempt from the provisions of this rule any new stationary source or modification which he determines:

A. Is a modification which eliminates, reduces or controls air contaminant emissions from an existing stationary

source, provided that the emissions of any contaminant(s) from the modified source will not be greater than such emissions were from the existing source.

B. Will be a replacement for an existing stationary source and will not result in emissions of any air contaminant greater than those from the existing source.

C. Will have demonstrable basinwide air quality benefits, provided however, that the California Air Resources Board U. S. Environmental Protection Agency, after making a technical analysis, concur with the Air Pollution Control Officer's conclusion that such benefits will be derived. Calculations and technical data used by the Air Pollution Control Officer as the basis for granting the exemption shall be made available to the Air Resources Board and Environmental Protection Agency, or

D. Will be used exclusively for providing essential public services, including but not limited to hospitals, police, and fire fighting facilities, and will employ the best practicable emission control methods and equipment.

4. When the Air Pollution Control Officer intends to grant an exemption under paragraph (3) he shall publicize a notice by prominent advertisement in at least one newspaper of general circulation in the District and shall notify in writing the U. S. Environmental Protection Agency, and the California Air Resources Board and all counties in the Air Basin of his intention. No exemption shall be granted until at least 30 days after the date of publication and notification to the above agencies. In making his decision the Air Pollution Control Officer shall consider any comments received, and, in the case of exemptions proposed under subparagraph (3-C), a condition of a decision to grant an exemption shall be the concurrence of the California Air Resources Board and the U.S. Environmental Protection Agency, as provided for in said subparagraph (C).

5. Notwithstanding the criteria specified in paragraph (2) the Air Pollution Control Officer may apply the provisions of this rule to any new or modified stationary source if, in his opinion, the emissions from the source might result in a violation or a contribution to the continued violation of any state or national ambient air quality standard.

6. Before granting or denying an authority to construct for any new stationary source or modification subject to the requirements of this rule, the Air Pollution Control Officer shall:

A. Require the applicant to submit information sufficient to describe the nature and amounts of emissions, location, design, construction, and operation of the source; and to submit any additional information required by the Air Pollution Control Officer to make the analysis of this rule.

B. Require the applicant to submit the projected expansion plans for the stationary source for the ten-year period subsequent to the date of application for authority to construct.

C. Analyze the effect of the new stationary source or modification on air quality. Such analyses shall consider expected air contaminant emissions and air quality in the vicinity of the new source or modification, within the Air Basin, and within adjoining air basins at the time the source or modification is proposed to commence operation. Such analyses shall be based on application of existing state and local control strategies.

D. Make available for public inspection at the Air Pollution Control District office, the information submitted by the applicant, the Air Pollution Control Officer's analysis of the effect of the source on air quality, and the preliminary decision to grant or deny the authority to construct.

E. Publish a notice by prominent advertisement in at least one newspaper of general circulation in the District stating where the public may inspect the information required in subparagraph (D) of this paragraph. The notice shall provide 30 days, beginning on the date of publication, for the public to submit comments on the application.

F. Forward copies of the notice required in suparagraph (E) of this paragraph to the U. S. Environmental Protection Agency, the California Air Resources Board, all Counties in the Air Basin, and all adjoining Air Pollution Control Districts in other air basins.

G. Consider the public comments submitted.

7. Receipt of an authority to construct shall not relieve the owner or operator of responsibility to comply with the applicable portions of the control strategy.

8. Within 30 days after the granting of an authority to construct to a source subject to this rule, the Air Pollution Control Officer shall forward to the California Air Resources Board a copy of the authority to construct, including conditions imposed upon the source and calculations and support data used in determining that the authority to construct should be granted.

b. Permits to Operate.

1. The Air Pollution Control Officer shall deny a permit to operate to any stationary source subject to the requirements of Rule A except as provided in paragraph 2 of this rule.

2. The Air Pollution Control Officer shall not grant a permit to operate to any stationary source that he determines emits quantities of air contaminants greater than those assumed in the analysis required for the authority to construct for the source, unless the Air Pollution Control Officer performs the air quality impact analysis required by paragraph (6) of Rule A and determines that the actual emissions from the source may not be expected to result in the violation or a contribution to the continued violation of any state or national ambient air quality standard.

3. The Air Pollution Control Officer shall impose conditions on a permit to operate such as he deems necessary to ensure that the stationary source will be operated in the manner assumed in making the analysis required by Rule A or paragraph (2) of this rule, whichever is applicable. Where appropriate, this shall include a condition to prohibit a new stationary source which is a replacement for an existing stationary source from operating, unless the operation of the existing source is terminated.

4. Sources having received an authority to construct prior to the adoption of Rule A shall not be subject to the provisions of this rule.

5. Within 30 days after granting of a permit to operate to a source subject to this rule, the Air Pollution Control Officer shall forward to the Air Resources Board a copy of the permit including conditions imposed upon the source and calculations and support data used in determining that the permit should be granted

c. Sources existing and in operation prior to the adoption of Regulation III are not subject to the provisions of this Regulation III. This exemption is not intended and shall not be applied to

modifications of sources occurring after the adoption of this regulation. Additionally, this exemption does not exempt a source from other provisions within these rules and regulations.

d. For the purposes of Sections a, b and c in Rule 216, the following definitions shall be applicable:

1. "Stationary source" means a unit or an aggregation of units of air contaminant emitting articles, machines, equipment or other contrivances, all of which are located on adjoining properties having one ownership, and all of which are determined by the Air Pollution Control Officer to be related to one another through a similar product, raw material or function.

2. "Modification" means any physical change in a stationary source, or change in the method of operation thereof.

3. "Control strategy" means a combination of measures designed to reduce air contaminant emissions.

REGULATION III - FEES

(3.0) RULE 300 - Permit Fees.

a. Filing Fee. Every applicant, except any state or local governmental agency or public district, for an authority to construct or a permit to operate any article, machine, equipment or contrivance, for which an authority to construct or permit to operate is required by (the State Law or) the Rules and Regulations of the Air Pollution Control District, shall pay a filing fee of $20.00.

Where an application is filed for a permit to operate any article, machine, equipment or other contrivance by reason of transfer from one person to another, and where a permit to operate had previously been granted under Rule 200 and no alteration, addition or transfer of location without permit has been made, the applicant shall pay only a $10.00 filing fee.

b. Permit Fee Penalty. When the permit is issued, it shall be accompanied by a statement of the fee to be paid. If the fee is not paid within 30 days after the permit is issued, the fee shall be increased by one half the amount thereof and the Air Pollution Control Officer shall thereupon promptly notify the applicant of the increased fee by mail. If the increased fee is not paid within 60 days after the permit is issued, the application shall be deemed withdrawn and cancelled. The Air Pollution Control Officer shall so notify the applicant by mail, and the permit shall be void.

c. Permit Granted by Hearing Board. In the event that a permit to operate is granted by the Hearing Board after denial by the Air Pollution Control Officer, the provisions of Rule 301 shall apply.

d. Cancellation or Denial. If an application for an authority to construct or a permit to operate is cancelled or if an authority to construct or permit to operate is denied and such denial becomes final, the filing fee required herein shall not be refunded nor applied to any subsequent application.

e. Alteration of Equipment. Where an application is filed for an authority to construct or a permit to operate exclusively involving alterations, or additions resulting in a change to any existing article, machine, equipment or other contrivance holding a permit under the provisions of Rule 200 of these Rules and Regulations, the applicant shall be assessed a fee based upon the increase in total horsepower rating, the increase in a total fuel consumption expressed in thousands of British Thermal Units (BTU) per hour, the increase in total electrical energy rating, the increase in maximum horizontal inside cross sectional area or the increase

in total stationary container capacity resulting from such alterations or additions, as described in the fee schedules contained herein. Where there is no change or is a decrease in such rating, the applicant shall pay only the amount of the filing fee required herein. Where a new permit is granted because of alterations or additions to equipment which had previously been granted a permit under Rule 200, the annual renewal fee will be calculated on the basis of a new rating and will continue to be due and payable on the anniversary date of the original permit.

f. Revising Permit Conditions. Where an application is filed for a permit to operate exclusively involving revisions to the conditions of an existing permit to operate, the applicant shall pay only the amount of the filing fee required herein. The annual renewal fee will continue to be due and payable on the anniversary date of the original permit.

g. Biennial Renewal Fee. Biennially on the anniversary of the issuance of a permit to operate granted under Rule 200, the permitee shall pay a rewewal fee amounting to one-fourth of the initial permit fee under current fee schedules. If the renewal fee is not paid within 30 days after it becomes due, the fee shall be increased by one-half the amount thereof, and the Air Pollution Control Officer shall thereupon promptly notify the permittee by mail of the increased fee. If the increased fee is not paid within 30 days after such notice, the permit shall be automatically revoked and the Air Pollution Control Officer shall so notify the permittee by mail.

h. Multiple Locations. When permits have been issued to operate movable equipment at two or more locations, only one biennial renewal fee will be charged. The anniversary date on which the biennial renewal fee will be due will be that noted on the original permit.

i. Duplicate Permit. A request for a duplicate permit to operate shall be made in writing to the Air Pollution Control Officer within ten days after the destruction, loss or defacement of a permit to operate and shall contain the reason duplicate permit is being requested. A fee of $5.00 shall be paid except by any state or local government agency or public district, for issuing a duplicate permit to operate.

(3.0) RULE 301 - Permit Fee Schedules.

Each permit shall be assessed a permit fee according to the following applicable schedule. The filing fee shall be applied to the fee prescribed for the issuance of the permit. It is hereby determined that the cost of issuing permits, and of inspections pertaining to

such issuance exceeds the fees prescribed herein. In the event that more than one fee schedule is applicable to a permit to operate, the governing schedule shall be that which results in the higher fee.

SCHEDULE I

ELECTRIC MOTOR HORSEPOWER SCHEDULE

Any article, machine, equipment, or other contrivance where an electric motor is used as the power supply shall be assessed a permit fee based on the total rated motor horsepower of all such electric motors included in any such article, machine, equipment, or other contrivance, in accordance with the following schedule:

HORSEPOWER	FEE
up to and including 5	$ 20.00
greater than 5 but less than 15	$ 40.00
15 or greater but less than 30	$ 60.00
30 or greater but less than 45	$ 80.00
45 or greater but less than 65	$100.00
65 or greater but less than 125	$150.00
125 or greater but less than 200	$200.00
200 or greater	$300.00

SCHEDULE 2

FUEL BURNING EQUIPMENT SCHEDULE

Any article, machine, equipment or other contrivance in which fuel is burned, with the exception of incinerators which are covered in Schedule 4, shall be assessed a permit fee based upon the design fuel consumption of the article, machine, equipment or other contrivance expressed in thousands of British Thermal Units (BTU) per hours, using gross heating values of the fuel, in accordance with the following schedule:

1000 BRITISH THERMAL UNITS PER HOUR	FEE
up to and including 150	$ 20.00
greater than 150 but less than 500	$ 40.00

1000 BRITISH THERMAL UNITS PER HOUR	FEE
500 or greater but less than 1,500	$ 60.00
1,500 or greater but less than 5,000	$ 80.00
5,000 or greater but less than 15,000	$100.00
15,000 or greater but less than 50,000	$150.00
50,000 or greater but less than 150,000	$200.00
150,000 or greater but less than 500,000	$250.00
500,000 or greater	$300.00

SCHEDULE 3

ELECTRICAL ENERGY SCHEDULE

Any article, machine, equipment or other contrivance which uses electrical energy, with the exception of electric motors covered in Schedule 1, shall be assessed a permit fee based on the total kilovolt ampere (KVA) ratings, in accordance with the following schedule:

KILOVOLT AMPERE	FEE
up to and including 45	$ 20.00
greater than 45 but less than 145	$ 40.00
145 or greater but less than 450	$ 60.00
450 or greater but less than 1,450	$ 80.00
1,450 or greater but less than 4,500	$100.00
4,500 or greater but less than 14,500	$150.00
14,500 or greater but less than 45,000	$200.00
45,000 or greater but less than 145,000	$250.00
145,000 or greater	$300.00

1000 BRITISH THERMAL UNITS PER HOUR	FEE
500 or greater but less than 1,500	$ 60.00
1,500 or greater but less than 5,000	$ 80.00
5,000 or greater but less than 15,000	$100.00
15,000 or greater but less than 50,000	$150.00
50,000 or greater but less than 150,000	$200.00
150,000 or greater but less than 500,000	$250.00
500,000 or greater	$300.00

SCHEDULE 3

ELECTRICAL ENERGY SCHEDULE

Any article, machine, equipment or other contrivance which uses electrical energy, with the exception of electric motors covered in Schedule 1, shall be assessed a permit fee based on the total kilovolt ampere (KVA) ratings, in accordance with the following schedule:

KILOVOLT AMPERE	FEE
up to and including 45	$ 20.00
greater than 45 but less than 145	$ 40.00
145 or greater but less than 450	$ 60.00
450 or greater but less than 1,450	$ 80.00
1,450 or greater but less than 4,500	$100.00
4,500 or greater but less than 14,500	$150.00
14,500 or greater but less than 45,000	$200.00
45,000 or greater but less than 145,000	$250.00
145,000 or greater	$300.00

SCHEDULE 4

INCINERATOR SCHEDULE

Any article, machine, equipment or other contrivance designed and used primarily to dispose of combustible refuse by wholly consuming the material charged leaving only the ashes or residue shall be assessed a permit fee based on the following schedule of the maximum horizontal inside cross sectional area, in square feet, of the primary combustion chamber:

AREA IN SQUARE FEET	FEE
up to and including 3	$ 20.00
greater than 3 but less than 6	$ 40.00
6 or greater but less than 9	$ 60.00
9 or greater but less than 16	$ 80.00
16 or greater but less than 27	$100.00
27 or greater but less than 45	$150.00
45 or greater but less than 90	$200.00
90 or greater but less than 200	$250.00
200 or greater	$300.00

SCHEDULE 5

STATIONARY CONTAINER SCHEDULE

Any stationary tank, reservoir or other container shall be assessed a permit fee based on the following schedule of capacities in gallons or cubic equivalent:

GALLONS	FEE
up to and including 4,000	$ 20.00
greater than 4,000 but less than 40,000	$ 40.00
40,000 or greater but less than 400,000	$ 60.00

GALLONS	FEE
400,000 or greater but less than 4,000,000	$100.00
4,000,000 or greater	$150.00

SCHEDULE 6

MISCELLANEOUS SCHEDULE

Any article, machine, equipment or other contrivance for which a permit to operate is required and which is not included in the preceding schedules shall be assessed a permit fee of $20.00

(3.0) RULE 302 - Analysis Fees.

Whenever the Air Pollution Control Officer finds that an analysis of the emission from any source is necessary to determine the extent and amount of pollutants being discharged into the atmosphere which cannot be determined by visual observation, he may order the collection of samples and the analysis made by qualified personnel of the Air Pollution Control District. The time required for collecting samples, making the analysis, and preparing the necessary reports, but excluding time required in going to and from such premises shall be charged against the owner or operator of said premises in a reasonable sum to be determined by the Air Pollution Control Officer, which said sum is not to exceed the actual cost of such work.

(13.0) RULE 303 - Technical Reports - Charges For.

Information, circulars, reports of technical work, and other reports prepared by the Air Pollution Control Districts when supplied to other governmental agencies or individuals or groups requesting copies of the same may be charged for by the district in a sum not to exceed the cost of preparation and distribution of such documents. All such monies collected shall be turned into the general funds of said district.

REGULATION IV - PROHIBITIONS

(50.1.2) RULE 400 - Ringelmann Chart.

A person shall not discharge into the atmosphere from any single source of emission whatsoever any air contaminant for a period or periods aggregating more than three minutes in any one hour which is:

a. As dark or darker in shade as that designated as No. 1 on the Ringelmann Chart, as published by the United States Bureau of Mines, or

b. Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subsection (a) of this rule.

(50.1) RULE 401 - Fugitive Dust.

a. A person shall take reasonable precautions to prevent visible particulate matter from being airborne, under normal wind conditions, beyond the property from which the emission originates. Reasonable precautions include but are not limited to:

   1. Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads or the clearing of land;

   2. Application of asphalt, oil, water, or suitable chemicals on dirt roads, material stockpiles, and other surfaces which can give rise to airborne dusts;

   3. Installation and use of hoods, fans, and fabric filters, to enclose and vent the handling of dust materials. Adequate contaminant methods shall be employed during such handling operations;

   4. Use of water, chemicals, chuting, venting, or other precautions to prevent particulate matter from becoming airborne in handling dusty materials to open stockpiles and mobil equipment;

   5. Maintenance of roadways in a clean condition.

b. This rule shall not apply to emissions discharged through a stack.

(50.7) RULE 402 - Nuisance.

A person shall not discharge from any source whatsoever such quantities of air contaminants or other materials which cause injury, detriment, nuisance or annoyance to any considerable number of persons or the public or which endanger the comfort, repose, health or safety of any such persons or the public or which cause or have a natural tendency to cause injury or damage to business or property.

(50.1) RULE 404 - Particulate Matter.

a. Concentration. A person shall not discharge from any source whatsoever particulate matter in excess of 0.3 grain per standard dry cubic foot of exhaust gas.

b. Process Weight. A person shall not discharge in any one hour from any source whatsoever particulate matter in excess of the amount shown in Table II.

c. From fuel burning equipment having a maximum heat input rate of more than 1-1/2 billion BTU per hour (gross), flue gas having a concentration of nitrogen oxides calculated as nitrogen dioxide (NO_2) in parts per million parts of flue gas (ppm) by volume at 3 percent oxygen: 125 ppm with natural gas fuel, or 225 ppm with liquid or solid fuel.

d. From sources other than combustion sources, nitrogen oxides, calculated as nitrogen dioxide (NO_2): 250 parts per million by volume.

(2.0) RULE 405 - Exceptions

Rule 400 does not apply to:

a. Fire set by or permitted by a public officer if such fire is set or permission given in the performance of an official duty of such officer, and such fire in the opinion of such officer is necessary:

   1. For the purpose of the prevention of a fire hazard which cannot be abated by other means, or

   2. The instruction of public employees in the methods of fighting fire.

b. Fires set pursuant to a permit on property used for industrial purposes for the purpose of instruction of employees in methods of fighting fires.

c. Agricultural operations necessary in the growing of crops or raising of fowls or animals, or

d. The use of an orchard, field crop, or citrus grove heater which does not produce unconsumed, solid carbonaceous matter at a rate in excess of that allowed by state law.

e. The use of other equipment in agricultural operations necessary in the growing of crops, or raising of fowls, or animals.

TABLE II

MAXIMUM ALLOWABLE EMISSION RATE
BASED ON PROCESS WEIGHT RATE

Process Weight Rate (Lb/Hr)	Maximum Allowable Solid Particulate Emission Rate * (Lb/Hr)	Process Weight Weight Rate (Lb/Hr.)	Maximum All Solid Particulate Emission Rate (Lb/Hr)
50	.24	3400	5.44
100	.46	3500	5.52
150	.66	3600	5.61
200	.85	3700	5.69
250	1.03	3800	5.77
300	1.20	3900	5.85
350	1.35	4000	5.93
400	1.50	4100	6.01
450	1.63	4200	6.08
500	1.77	4300	6.15
550	1.89	4400	6.22
600	2.01	4500	6.30
650	2.12	4600	6.37
700	2.24	4700	6.45
750	2.30	4800	6.52
800	2.43	4900	6.60
850	2.53	5000	6.67
900	2.62	5500	7.03
950	2.72	6000	7.37
1000	2.80	6500	7.71
1100	2.97	7000	8.05
1200	3.12	7500	8.39
1300	3.26	8000	8.71
1400	3.40	8500	9.03
1500	3.54	9000	9.36
1600	3.66	9500	9.67
1700	3.79	10000	10.0
1800	3.91	11000	10.63
1900	4.03	12000	11.28
2000	4.14	13000	11.89
2100	4.24	14000	12.50
2200	4.34	15000	13.13
2300	4.44	16000	13.74
2400	4.55	17000	14.36
2500	4.64	18000	14.97
2600	4.74	19000	15.58
2700	4.84	20000	16.19
2800	4.92	30000	22.22
2900	5.02	40000	28.3

Process Weight Rate (Lb/Hr)	Maximum Allowable Solid Particulate Emission Rate * (Lb/Hr.)	Process Weight Weight Rate (Lb/Hr)	Maximum All Solid Particulate Emission Rate (Lb/Hr)
3000	5.10	50000	34.3
3100	5.18	60000	40.0
3200	5.27	or more	

*Sum of emissions from all emission points or process.

(51.13) RULE 406 - Open Outdoor Fires.

A person shall not burn any combustible refuse in any open outdoor fire within the boundaries of the Great Basin Unified Air Pollution Control District, except:

a. When such fire is set or permission for such fire is given in the performance of the official duty of any public officer, and such fire in the opinion of such officer is necessary:

   1. For the purpose of the prevention of a fire hazard which cannot be abated by other means, or

   2. The instruction of public employees, or public volunteers under the supervision of a public officer, in the methods of fighting fire.

b. When such fire is set pursuant on property used for industrial purposes for the purse of instruction of employees in methods of fighting fire.

c. Agricultural fires necessary to maintain and continue an agricultural operation set or permitted by a fire official having jurisdiction in the performance of official duty for the purposes of:

   1. Control and disposal of agricultural wastes.

   2. Range improvement burning.

   3. Forest management burning.

   4. Fires set in the course of any agricultural operation in the growing of crops, or raising of fowls or animals.

   5. Abatement of an immediate health hazard.

d. On burn days only, when authorized by both the State Air Resources Board and the Great Basin Unified Air Pollution Control District, fires for the disposal of household rubbish of a single or two-family dwelling on its premises.

e. Fires used only for the cooking of food for human beings or for recreational purposes.

f. Fires, on burn days only, when authorized by both the State Air Resources Board and the Great Basin Unified Air Pollution Control District, used for the clearing of rights-of-way by a public entity or public utility where access by chipping equipment is

not available by existing means or for reservoir maintenance.

g. Except in case of emergency, permits for the setting of a fire or fires permitted by this rule shall be granted by the Air Pollution Control Officer, or by the public fire official having jurisdiction over the proposed burn location.

(51.9) RULE 407 - Incinerator Burning.

A person shall not burn any combustible refuse in any incinerator, except in a multiple-chamber incinerator as described in Rule 101(n), or in equipment found by the Air Pollution Control Officer in advance of such use to be equally effective for the purpose of air pollution control as an approved multiple-chamber incinerator.

(51.13) RULE 408 - Burning of Agricultural Wastes.

a. No person shall burn agricultural wastes on "no burn" days as announced daily by the State Air Resources Board for the Counties of Inyo, Mono, and Alpine, or when prohibited by the Air Pollution Control Officer. However, the Air Pollution Control Officer may by permit authorize such burnings on "no burn" days if denial of such permit would threaten an imminent and substantial economic loss.

b. Such burning when authorized shall conform to the following criteria:

1. Material to be burned shall be as dry as feasible prior to burning, and shall be free from combustible impurities such as tires, tar paper, rubbish, plastics, demolition or construction debris, and shall be reasonably free of dirt, soil, and visible surface moisture.

2. Trees and branches over two inches in diameter shall have been dried for at least ten days prior to burning.

3. Branches under two inches in diameter and prunings shall have been dried for at least one week prior to burning.

4. Wastes from field crops that are cut in a green condition shall have been dried for at least one week prior to burning.

5. Exceptions to the foregoing may be made by the fire authority which issues the permits to burn, after notification to the Air Pollution Control Officer, and if the material to be burned is diseased or insect infested and there would be irreparable damage if the foregoing standards were rigidly enforced.

6. Material to be burned shall be so arranged as to burn with a minimum of smoke.

7. Empty fertilizer and pesticide sacks or containers may be burned on burn days only in the field where the sacks or containers are emptied or in other areas approved by the Air Pollution Control Officer.

8. All burning shall conform to the applicable jurisdictional fire code(s).

c. The following practice shall not be followed:

The use of oil or tires in connection with the ignition or burning of agricultural wastes, roadsides, ditch banks, or patches of vegetation.

d. No agricultural wastes shall be burned without a permit issued by a fire protection authority having jurisdiction over the proposed burn location. As a condition to the issuance of a permit, each applicant shall provide the information required by the issuing agency on forms prepared jointly by said agency and the District. The permit may place a limit upon the amount of materials to be burned in any one day and the hours of the day during which time the material may be burned.

e. Agricultural burning at altitudes above 6000 feet (msl) is exempt from the requirement of Rule 408.

(51.13) RULE 409 - Range Improvement Burning.

a. No range improvement or forest management burning may be done without first having obtained a permit from the California Division of Forestry or other designated agency having jurisdiction over the proposed burn location.

b. No person shall conduct range improvement burning on "no burn" days as announced daily by the State Air Resources Board for the Inyo, Mono and Alpine Counties or when such burning is prohibited by the Air Pollution Control Officer except:

1. When a permissive burn decision has been given by the Air Resources Board in advance as provided by the State Guidelines under the Advance Burn Notification Program, and such commitment has not been cancelled by the Air Resources Board of such a burn date.

2. When the Air Pollution Control Office has so authorized by permit.

c. Range improvement burning when permitted shall conform to the following criteria:

1. Before a permit may be issued for a range improvement burn, a plan for the burn shall be submitted by the owner, or his agent, of the land on which the burn is proposed to the District and the California Division of Forestry, or other designated agency having jurisdiction over the proposed burn location.

2. The plan shall cover the following:

   Ownership, location, equipment available, manpower available, fireguard locations, proposed date and hour of burn treatment given to trees and brush, method and plan for ignition, location of populated areas, if any, within 20 miles of the exterior boundaries of the burn, or any other information required by the District or the Division of Forestry, or other designated agency having jurisdiction over the proposed burn location.

3. Prior to issuance of a permit, the plan for the proposed burn must be satisfactory to the District and the California Division of Forestry, or other designated agency having jurisdiction over the proposed burn location.

4. Where economically and technically feasible, brush shall be treated by chemical or mechanical means at least 60 days prior to a proposed burn, to kill or uproot the brush in order to insure rapid combustion.

5. Unwanted trees over 6" in diameter in the burn area or those not effectively treated at the time of the brush treatment shall be felled at least three months prior to the burn, but a longer time may be required whre conditions warrant.

6. The burn shall be ignited only be devices and methods approved by the California Division of Forestry, or the local fire protection agency, and ignition shall be as rapid as practicable within applicable fire control restrictions.

7. Not more than one control burn shall be conducted within any one five-day period.

8. The number of acres in any one burn may be limited by the District, taking into consideration matters which would affect the ambient air quality of the District, and particularly the effects on nearby populated areas.

9. Burning being done primarily for improvement of land for wildlife and game habitat shall require the filing with the District a statement obtained from the Department of Fish and Game certifying the burning is desirable and proper for the improvement of land for wildlife and game habitat.

10. Burning shall not be allowed on Sundays or legal Holidays.

11. All burning shall conform to the applicable jurisdictional fire code(s).

12. Burning shall not be allowed when the wind direction is toward a populated area.

(51.13) RULE 410 - Forest Management Burning.

a. No forest management burning may be done without first having obtained a permit from the California Division of Forestry or other designated agency having jurisdiction over the proposed burn locations.

b. No person shall conduct forest management burning on "no burn" days as announced daily by the State Air Resources Board for Inyo, Mono and Alpine Counties, or on days where the Air Pollution Control Officer has prohibited such burning.

c. Forest management burning when permitted shall conform to the following criteria:

1. Before a permit may be issued for a forest management burn, a plan for the burn shall be submitted by the owner, or his agent, of the land on which the burn is proposed, to the District and the California Division of Forestry, or other designated agency having jurisdiction over the proposed burn location.

2. Where economically and technically feasible, unwanted trees and brush shall be treated by chemical or mechanical means or at least two weeks prior to the proposed burn to kill or uproot the trees or brush in order to insure rapid combustion.

3. Wastes shall be dried sufficiently to insure rapid combustion.

4. Waste to be burned shall be free from tires, rubbish, tar paper, and construction and demolition debris.

5. Where possible, unless good management dictates otherwise, waste to be burned shall be windrowed or piled so as to burn with a minimum of smoke.

6. Piled or windrowed waste should be reasonably free from soil or surface moisture.

7. Not more than one forest management burn shall be conducted within the District in any one five-day period.

8. The amount of material in any one burn may be limited by the District, taking into consideration matters which would affect the ambient air quality of the District.

9. The material to be burned shall be ignited only by devices approved by the California Division of Forestry, or the local fire protection agency, and ignition shall be as rapid as practicable within applicable fire control restrictions.

10. Burning shall not be allowed on Sundays or legal Holidays.

11. All burning shall conform to the applicable jurisdictional fire code(s).

12. Burning shall not be allowed when the wind direction is toward a populated area.

(11.0) RULE 411 - Hazardous Materials.

No hazardous materials shall be discharged from any source so as to result on concentrations in excess of any State, Federal, or local emission limits established.

In the absence of specific standards for particular hazardous material, the airborne concentrations of such materials shall not exceed those levels and time intervals established by the State Division of Industrial Safety or the Occupations Safety and Health Administration.

(51.8) RULE 412 - Operation of Roofing Kettles.

a. A person shall not operate or use any article, machine, equipment or other contrivance for the heating, melting, or liquefying of roofing asphalt or coal tar pitch unless all gases, vapors, and gas-entrained effluents from such article, machine, equipment or other contrivance are:

1. Incinerated at a temperature of not less than 1450 degrees fahrenheit for a period of not less than 0.3 seconds or

2. Processed in such a manner determined by the Air Pollution Control Officer to be equally or more effective for the purpose of air pollution control than (a) above.

b. Nothing in this rule, however, shall operate to prevent the charging of any article, machine, equipment or other contrivance with roofing asphalt or coal tar pitch for a period not to exceed three minutes in any one hour.

c. A person incinerating or processing gases, vapors, or gas-entrained effluents pursuant to this article shall provide, properly install, and maintain in good working order, devices capable of correctly indicating and controlling operating temperatures.

(51.21) RULE 413 - Reduction of Animal Matter.

a. A person shall not operate or use any article, machine, equipment or other contrivance for the reduction of animal matter unless all gases, vapors and gas-entrained effluents from such an article, machine, equipment or other contrivance are:

1. Incinerated at temperatures of not less than 1200 degrees Fahrenheit for a period of not less than 0.3 seconds; or

2. Processed in such a manner determined by the Air Pollution Control Officer to be equally, or more effective for the purpose of air pollution control than (a) above.

b. A person incinerating or processing gases, vapors or gas-entrained effluent pursuant to this rule shall provide, properly install and maintain in calibration, in good working order and in operation, devices, as specified in the Authority to Construct or Permit to Operate or as specified by the Air Pollution Control Officer, for recording temperature pressure or other operating conditions.

c. The provisions of this rule shall not apply to any article, machine, equipment or other contrivance used exclusively for the processing of food for human consumption.

(50.2) RULE 416 - Sulfur Compounds and Nitrogen Oxides.
(50.3)

A person shall not discharge from any single source whatsoever any one or more of the following contaminants in any state or combination thereof, exceeding in concentration or amount at the point of discharge to the atmosphere:

1. Sulfur compounds calculated as sulfur dioxide: 0.2% by volume.

2. Nitrogen oxides, calculated as nitrogen dioxide (NO_2): 140 pounds per hour from any new or expanded boiler, furnace, jet engine, or similar fuel burning equipment for the production of power or heat.

(50.4) RULE 417 - Organic Solvents.

a. A person shall not discharge more than 15 pounds of organic materials into the atmosphere in any one day, nor more than three pounds in any one hour, from any article, machine, equipment or other contrivance in which any organic solvent or any material containing organic solvent comes into contact with flame or is baked, heat-cured or heat-polymerized in the presence of oxygen, unless said discharge has been reduced by at least 85 percent. Those portions of any series of articles, machines, equipment or other contrivances designed for processing a continuous web, strip, or wire which emit organic materials and use continuous operations described in this section shall be collectively subject to compliance with this section.

b. A person shall not discharge more than 40 pounds of organic materials into the atmosphere in any one day, nor more than eight pounds in any one hour, from any article, machine, equipment or other contrivance used under conditions other than described in section (a), for employing or applying, any photochemically reactive solvent, as defined in Section (j) or material containing such photochemically reactive solvent, unless said discharge has been reduced by at least 85 percent. Emissions of organic materials into the atmosphere resulting from air or heating drying of products for the first 12 hours after their removal from any article, machine, equipment, or other contrivance described in this section shall be included in determining compliance with this section. Emissions resulting from baking, heat curing or heat-polymerizing as described in section (a) shall be excluded from determination of compliance with this section. Those designed for processing a continuous web, strip or wire which emit organic materials and use operations described in this section shall be collectively subject to compliance with this section.

c. A person shall not discharge into the atmosphere more than 3,000 pounds of organic materials in any one day, nor more than 450 pounds in any one hour, from any article, machine, equipment or other contrivance in which any non-photochemically reactive organic solvent or any material containing such solvent is employed or applied, unless said discharge has been reduced by at least 85 percent. Emissions of organic materials into the atmosphere resulting from air or heated drying of products for the first 12 hours after their removal from any article, machine, equipment, or other contrivance described in this section shall be included in determining compliance with this section. Emissions resulting from baking, heat-curing, or heat polymerizing as described in section (a) shall be excluded from determination of compliance with this section. Those portions of any series of articles, machines, equipment or other contrivances designed for processing

a continuous web, strip or wire which emit organic materials and use operations described in this section shall be collectively subject to compliance with this section.

d. Emissions or organic materials to the atmosphere from the cleanup with photochemically reactive solvent, as defined in section (j), of any article, machine, equipment or other contrivance described in sections (a), (b), or (c) shall be included with the other emissions or organic materials from that article, machine, equipment or other contrivance for determing compliance with this rule.

e. Emissions of organic materials into the atmosphere required to be controlled by sections (a), (b), or (c) shall be reduced by:

   1. Incineration, provided that 90 percent or more of the carbon in the organic material being incinerated is oxidized to carbon dioxide, or

   2. Adsorption, or

   3. Processing in a manner determined by the Air Pollution Control Officer to be not less effective than (1) or (2) above.

f. A person incinerating, adsorbing or otherwise processing organic materials pursuant to this rule shall provide, properly install and maintain in calibration, in good working order and in operation, devices as specified in the authority to construct or the permit to operate, or as specified by the Air Pollution Control Officer, for indicating and recording temperatures, pressures, rates of flow or other operating conditions necessary to determine the degree and effectiveness or air pollution control.

g. Any person using organic solvents or any materials containing organic solvents shall supply the Air Pollution Control Officer upon request and in the manner and form prescribed by him, written evidence of the chemical compositions, physical properties and amount consumed for each organic solvent used.

h. The provisions of this rule shall not apply to:

   1. The manufacture of organic solvents, or the transport or storage of organic solvents or materials containing organic solvents.

   2. The use of equipment for which other requirements are specified by Rules 417, 418, 419 and 420 or which are exempt from air pollution control requirements by said rules.

   3. The spraying or other employment of insecticides, pesticides or herbicides.

4. The employment, application, evaporation or drying of saturated halogenated hydrocarbons or perchloroethylene.

5. The use of any material, in any article, machine, equipment or other contrivance described in sections (a), (b), (c), or (d), if:

   (i) the volatile content of such material consists only of water and organic solvents, and

   (ii) the organic solvents comprise not more than 20 percent of said volatile content, and

   (iii) the volatile content is not photochemically reactive as defined in section (j), and

   (iv) the organic solvent or any material containing organic solvent does not come into contact with flame.

6. The use of any material, in any article, machine, equipment or other contrivance described in sections (a), (b), (c) or (d), if:

   (i) the organic solvent content of such material does not exceed 20 percent by volume of said materials, and

   (ii) the volatile content is not photochemically reactive as defined in section (j), and

   (iii) more than 50 percent by volume of such volatile material is evaporated before entering a chamber heated above ambient application temperature and

   (iv) the organic solvent or any material containing organic solvent does not come into contact with flames.

7. The use of any material in any article, machine, equipment or other contrivance described in sections (a), (b), (c), or (d), if:

   (i) the organic solvent content of such material does not exceed five percent by volume of said material and

   (ii) the volatile content is not photochemically reactive as defined in section (j) and

   (iii) the organic solvent or any material containing organic solvent does not come into contact with flame.

i. For the purposes of this rule, organic solvents include dilutents and thinners and are defined as organic materials which are liquids at standard conditions and which are used as dissolvers, viscosity reducers or cleaning agents, except that such materials which exhibit a boiling point higher than 220°F. at 0.5 millimeter mercury absolute pressure or have an equivalent vapor pressure shall not be considered to be solvents unless exposed to temperatures exceeding 220°F.

j. For the purposes of this rule, photochemically reactive solvent is any solvent with an aggregate of more than 20 percent of its total volume composed of the chemical compounds classified below or which exceeds any of the following individual percentage composition limitations, referred to the total volume of solvent:

1. A combination of hydrocarbons, alcohols, aldehydes, esters, ethers, or ketones having an olefinic or cyclo-olefinic type of unsaturation: 5 percent;

2. A combination of aromatic compounds with eight or more carbon atoms to the molecule except ethylbenzene: 8 percent;

3. A combination of ethylbenzene, ketones having branched hydrocarbon structures, trichloroethylene or toluene: 20 percent.

Whenever any organic solvent or any constituent of an organic solvent may be classified from its chemical structure into more than one of the above groups of organic compounds, it shall be considered as a member of the most reactive chemical group; that is, that group having the least allowable percentage of the total volume of solvents.

For the purposes of this rule, organic materials are defined as chemical compounds of carbon excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides, metallic carbonates and ammonium carbonate.

(51.16) RULE 418 - Storage of Petroleum Products.

A person shall not place, store or hold in any stationary tank, reservoir or other container of more than 40,000 gallons capacity any gasoline or any petroleum distillate having a vapor pressure of 1.5 pounds per square inch absolute or greater under actual storage conditions, unless such tank, reservoir or other container is a pressure tank maintaining working pressures sufficent at all times to prevent hydrocarbon vapor or gas loss to the atmosphere, or is designed and equipped with one of the following vapor loss control devices, properly installed, in good working order and in operation:

1. A floating roof, consisting of pontoon-type or double-deck type roof, resting on the surface of the liquid contents and equipped with a closure seal, or seals, to close the space between the roof edge and tank wall. The control equipment provided for in this paragraph shall not be used if the gasoline or petroleum distillate has a vapor pressure of 11.0 pounds per square inch absolute or greater under actual storage conditions. All tank gauging and sampling devices shall be gas-tight except when gauging or sampling is taking place.

2. A vapor recovery system, consisting of a vapor gathering system capable of collecting the hydrocarbon vapors and gases discharged and a vapor disposal system capable of processing such hydrocarbon vapors and gases so as to prevent their emission to the atmosphere and with all tank gauging and sampling devices gas-tight except when gauging or sampling is taking place.

3. Other equipment of equal efficiency, provided such equipment is submitted to and approved by the Air Pollution Control Officer.

(51.16) RULE 419 - Gasoline Loading Into Stationary Tanks.

a. A person shall not load or permit the loading of gasoline into any stationary tank installed after December 31, 1970, with a capacity of 250 gallons or more from any tank,truck, or trailer, except through a submerged fill pipe, unless such tank is equipped with a vapor loss control device as described in Rule 418.

1. The term "gasoline" is defined as any petroleum distillate having a Reid vapor pressure of four pounds or greater.

2. For the purpose of this rule, the term "submerged fill pipe" is defined as any fill pipe the discharge opening of which is entirely submerged when the liquid level is six inches above the bottom of the tank. "Submerged fill pipe" when applied to a tank which is loaded from the side is defined as any fill pipe the discharge opening of which is entirely submerged when the liquid is 18 inches above the bottom of the tank.

(51.16) RULE 420 - Organic Liquid Loading.

a. A person shall not load organic liquids having a vapor pressure of 1.5 pounds per square inch absolute or greater under actual loading conditions into any tank truck, trailer or railroad tank car from any loading facility unless the loading facility is equipped with a vapor collection and disposal system or its equivalent approved by the Air Pollution Control Officer.

Loading shall be accomplished in such a manner that all displaced vapor and air will be vented only to the vapor collection system. Measures shall be taken to prevent liquid drainage from the loading device when it is not in use or to accomplish complete drainage before the loading device is disconnected.

The vapor disposal portion of the vapor collection and disposal system shall consist of one of the following:

1. An absorber system or condensation system which processes all vapor and recovers at least 90 percent by weight of the organic vapors and gases from the equipment being controlled.

2. A vapor handling system which directs all vapors to a fuel gas system.

3. Other equipment of an efficiency equal to or greater than (1) or (2) if approved by the Air Pollution Control Officer.

This rule shall apply only to the loading of organic liquids having a vapor pressure of 1.5 pounds per square inch absolute or greater than actual loading conditions at a facility from which greater than 20,000 gallons of such organic liquids are loaded in any one day.

"Loading Facility", for the purpose of this rule, shall mean any aggregation or combination of organic loading equipment which is both (a) possessed by one person, and (b) so located so that all organic liquid loading outlets for such aggregation or combination of loading equipment can be encompassed within any circle of 300 feet in diameter.

(2.0) RULE 421 - Intended Application of Rules and Regulations.

Nothing in these Regulations is intended to permit any practice which is a violation of any Federal, State or local statute, ordinance, law, rule or regulation.

REGULATION V
ORCHARD, FIELD CROP, OR CITRUS GROVE HEATERS

(1.0) RULE 500 - Definition.

"Orchard Heater" means any article, machine, equipment or other contrivance burning any type of fuel, or a solid fuel block composed of petroleum coke burned by an open flame, used or capable of being used for the purpose of giving protection from frost damage. For the purpose of this Regulation, "Orchard Heater" shall include heaters used for frost protection for orchards, vineyards, truck crops and field crops. The contrivance commonly known as a wind machine is not included.

(51.1) RULE 501 - Orchard and Citrus Heaters.

No person shall use any orchard or citrus grove heater unless it has been approved by the State Air Resources Board and the Air Pollution Control Officer and unless it produces less than one gram per minute of unconsumed solid carbonaceous material.

REGULATION VI - PROCEDURE BEFORE THE HEARING BOARD

(2.0) RULE 600 - General.

This regulation shall apply to all hearings before the Hearing Board of the Great Basin Unified Air Pollution Control District.

(2.0) RULE 601 - Filing Petitions.

Request for hearing shall be initiated by the filing of a petition in triplicate with the Clerk of the Hearing Board and the payment to said Clerk of a fee of $25.00, after service of a copy of the petition has been made on the Air Pollution Control Officer and one (1) copy on the holder of the permit or variance, if any involved. Service may be made in person or by mail, and service may be approved by written acknowledgement of the person served or by the affidavit of the person making the service.

No fee shall be required for the filing of a petition by a public agency or a public officer acting in the scope of his official capacity.

(2.0) RULE 602 - Contents of Petitions.

Every petition shall state:

a. The name, address and telephone number of the petitioner, or other person authorized to receive service of notices.

b. Whether the petitioner is an individual, co-partnership, corporation or other entity, and names and addresses of partners, if a co-partnership, names and addresses of the managing officers, if a corporation, and the names and addresses of the persons in control, if other entity.

c. The type of business or activity involved in the application and the street address at which it is conducted.

d. A brief description of the article, machine, equipment or other contrivance, if any, involved in the application.

e. The section or rule under which the petition is filed, that is, whether petitioner desires a hearing:

    1. To determine whether a permit shall be revoked or suspended or reinstated.

    2. For an emergency variance.

    3. For a short-term variance.

4. For a regular variance and approval of a compliance schedule.

5. For an interim variance in conjunction with a petition for a short or regular term variance.

6. For a variance and/or approval of a compliance schedule for a rule not yet effective.

7. To revoke or modify a variance.

8. To review the denial or conditional granting of an authority to construct or permit to operate under Rule 214 of these Rules and Regulations.

f. Each petition shall be signed by the petitioner, or by some person on his behalf, and where the person signing is not the petitioner it shall set forth this authority to sign.

g. Petitions for revocation of permits shall allege in addition the rule under which permit was granted, the rule or section which is alleged to have been violated together with a brief statement of the facts constituting such alleged violation.

h. Petitions for reinstatement of suspended permits shall allege in addition the rule under which the permit was granted, the request and alleged refusal which formed the basis for such suspension, together with a brief statement as to why information requested, if any, was not furnished, whether such information is believed by petitioner to be pertinent, and, if so, when it will be furnished.

i. All petitions shall be typewritten, double spaced, on legal or letter size paper, on one side of the paper only, leaving a margin of at least one inch at the top and left side of each sheet.

(5.0) RULE 603 - Petitions for Variances.

In addition to the matters required by Rule 602, petitions for variance shall state briefly:

1. The section, rule or order complained of.

2. The facts showing why compliance with the section, rule or order is unreasonable.

3. For what period of time the variance is sought and why.

4. The damage or harm resulting or which would result to petitioner from compliance with such section, rule or order.

5. Except in a petition for an interim or emergency variance, a final compliance date specifying when petitioner will be in compliance with the section or rule from which a variance is sought.

6. If the final compliance date required in subsection (e) is one year or more after the date set for hearing (other than the hearing for an emergency or interim variance) then petitioner shall attach to his petition a proposed schedule of increments of progress as defined by Rule 106.

7. Both the advantages and disadvantages to the residents of the district resulting from requiring compliance or resulting from granting a variance.

8. Whether or not operations under such variance, if granted, would constitute a nuisance.

(2.0) RULE 604 - Appeal from Denial

A petition to review a denial or conditional approval of an authority to construct or permit to operate shall, in addition to the matters required by Rule 602, set forth a summary of the application or a copy thereof and the alleged reasons for the denial or conditional approval and the reasons for appeal.

(2.0) RULE 605 - Failure to Comply with Rules.

The Clerk of the Hearing Board shall not accept for filing any petition which does not comply with these rules relating to the form, filing, and service of petitions unless the Chairman or any three members of the Hearing Board direct otherwise and confirm such direction in writing. Such direction need not be made at a meeting of the Hearing Board. The Chairman or any three members, without a meeting, may require the petitioner to state further facts or reframe a petition so as to disclose clearly the issues involved.

(2.0) RULE 606 - Answers.

Any person may file an answer within ten days after service. All answers shall be served the same as petitions under Rule 601.

(2.0) RULE 607 - Withdrawal of Petition.

The petitioner may withdraw petition at any time before submission of the case to the Hearing Board, without a hearing or meeting of the Hearing Board. The Clerk of the Hearing Board shall notify all interested persons of such withdrawal.

(16.0) RULE 608 - Place of Hearing.

All hearings shall be held at the place designated by the Hearing Board.

(16.0) RULE 609 - Notice of Hearing.

The Clerk of the Hearing Board shall mail or deliver a notice of hearing to the petitioner, the Air Pollution Control Officer, the holder of the permit or variance involved, if any, and to any person entitled to notice in the Health and Safety Code under Sections 40823 through 40827 inclusive.

(2.0) RULE 610 - Evidence.

a. Oral evidence shall be taken only on oath or affirmation.

b. Each party shall have these rights: to call and examine witnesses; to introduce exhibits; to cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination; to impeach any witness regardless of which party first called him to testify; and to rebut the evidence against him. If respondent does not testify in his own behalf, he may be called and examined as if under cross-examination.

c. The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence but shall not be sufficent in itself to support a finding unless it would be admissable over objection in civil actions. The rules or privilege shall be effective to the same extent that they are now or hereafter may be recognized in civil actions, and irrelevant and unduly repetitious evidence shall be excluded.

(13.0) RULE 611 - Record of Proceedings.

A record of all proceedings had before the Hearing Board shall be made. The record shall be prepared in accordance with one of the following methods:

1. A written summary of all the evidence, testimony and proceedings had and presented at the hearing shall be made by a person designated by the Hearing Board for that purpose; or

2. A tape recording may be made of the proceedings; or

3. Any interested person, including the District, may at his own cost provide a certified shorthand reporter satisfactory to the Hearing Board who shall prepare a verbatim transcript of all the evidence, testimony and proceedings had and presented at the hearing.

The Hearing Board may require that the original and one copy of such transcript, each certified to by the reporter as to its accuracy, be filed with the Hearing Board within 30 days from the closing date of the hearing unless required by the Board prior to that time.

(2.0) RULE 612 - Preliminary Matters.

Preliminary matters such as setting a date for hearings, granting continuances, approving petitions for filing, allowing amendments, issuing subpoenas, and other preliminary rulings not determinative of the merits of the case may be made by the Chairman or any three members of the Hearing Board prior to that time.

(2.0) RULE 613 - Official Notices.

The Hearing Board may take official notice of any matter which may be judicially noticed by the courts of this state.

(2.0) RULE 614 - Continuances.

The Chairman or any three members of the Hearing Board shall grant any continuance of 15 days or less, concurred in by petitioner, the Air Pollution Control Officer and by every person who has filed an answer in the action and may grant any reasonable continuance; in either case such action may be ex parte, without a meeting of the Hearing Board and without prior notice.

(2.0) RULE 615 - Decision.

The decision shall be in writing, served and filed within 30 days after submission of the cause by the parties thereto and shall contain the determination of the issues presented and the order of the Hearing Board. A copy shall be mailed or delivered to the Air Pollution Control Officer, the petitioner and to every person who has filed an answer or who has appeared as a party in person or by counsel at the hearing. A copy shall also be mailed to the Air Resources Board and interested parties within 30 days.

(2.0) RULE 616 - Effective Date of Decision.

The decision shall become effective 15 days after delivery or mailing a copy of the decision, as provided in Rule 615, or the Hearing Board may order that the decision shall become effective sooner.

REGULATION VIII - ORDERS FOR ABATEMENT

(2.0) RULE 800 - General.

Nothwithstanding Rule 600, this regulation shall apply to all hearings on orders for abatement before the Air Pollution Control Board of the Great Basin Unified Air Pollution Control District.

(2.0) RULE 801 - Order of Abatement.

In accordance with Health and Safety Code Section 42450, the Air Pollution Control Board, when petitioned as provided herein, is authorized and directed to notice and hold hearings for the purpose of issuing orders for abatement. The Air Pollution Control Board, in holding hearings on the issuance of orders for abatement shall have all powers and duties conferred upon it by Part 1 of Division 26, in the California Health and Safety Code.

(2.0) RULE 802 - Filing Petitions.

Requests by the Air Pollution Control Officer for a hearing on an order for abatement shall be initiated by the filing of the original and two copies of the petition with the Clerk of the Air Pollution Control Board. One copy of the petition will then be served upon the person against whom the order for abatement is sought (the respondent). Service may be made in person or by mail, and service may be proved by written acknowledgement of the person served or by the affidavit of the person making the service.

(2.0) RULE 803 - Contents of Petition.

The petition for order for abatement shall contain the following information:

a. The name, address and telephone number of the respondent.

b. The type of business or activity involved and the street address at which it is conducted.

c. A brief description of the article, machine, equipment or other contrivance, if any, involved in the violation emission.

d. The section or rule which is alleged to have been violated, together with a brief statement of the facts constituting such alleged violation.

The permit status and history of the source sought to be abated may be included in the petition. A proposed order for abatement may also be included.

All petitions shall be typewritten, double-spaced, on letter-size paper (8 1/2 inches by 11 inches) on one side of the paper only, leaving a margin of at least one inch at the top and each side of the paper.

(2.0) RULE 804 - Scope of Order.

An order for abatement issued by the Air Pollution Control Board shall include an order to comply with the statute or rule being violated. Such order may provide for installation of control equipment and for a schedule of completion and compliance. As an alternative to an order to comply, the Air Pollution Control Board may order the shutdown of any source of emissions which violates any statute or rule. An order for abatement may also include a directive to take other action determined appropriate to accomplish the necessary abatement.

(2.0) RULE 805 - Findings.

No order for abatement shall be granted unless the Air Pollution Control Board makes all of the following findings:

a. That the respondent is in violation of the California Health and Safety Code, or of any rule or regulation of the Air Pollution Control District.

b. That the order of abatement will not constitute the taking of property without due process of law.

c. That if the order for abatement results in the closing or elimination of an otherwise lawful business, such closing would not be without a corresponding benefit in reducing air contaminants.

(2.0) RULE 806 - Pleadings.

Any person may file a written answer other responsive pleading, memorandum, or brief not less than five days before the hearing. Said documents shall be served the same as petitions under Rule 802.

(2.0) RULE 807 - Evidence.

a. Oral evidence shall be taken only on oath or affirmation.

b. Each party shall have these rights: to call and examine witnesses; to introduce exhibits; to cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination; to impeach any witness regardless of which party first called him to testify; and to rebut the evidence against him. If respondent does not testify in his own behalf he may be called and examined as if under cross-examination.

c. The hearing need not be conducted according to technical rules and relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. The rules or privilege shall be effective to the same extent that they are now or hereafter may be recognized in civil actions, and irrelevant and unduly repetitious evidence shall be excluded.

(2.0) RULE 808 - Failure to Comply with Rules.

The Clerk of the Air Pollution Control Board shall not accept for filing any petition which does not comply with these rules relating to the form, filing and service of petitions unless the Chairman or any two members of the Hearing Board direct otherwise and confirm such direction in writing. Such direction need not be made at a meeting of the Hearing Board. The Chairman or any two members, without a meeting, may require the petitioner to state further facts or reframe a petition so as to disclose clearly the issues involved.

(2.0) RULE 809 - Withdrawal of Petition.

The Air Pollution Control Officer may withdraw his petition at any time before submission of the case to the Board without a hearing or meeting of the Air Pollution Control Board. The Clerk of the Air Pollution Control Board shall notify all interested persons of such withdrawal.

(16.0) RULE 810 - Place of Hearing.

All hearings shall be held at the time and place designated by the Air Pollution Control Board.

(16.0) RULE 811 - Notice of Hearing.

The Clerk of the Air Pollution Control Board shall mail or deliver a notice of Hearing to the respondent and to any person entitled to notice under applicable provisions of Division 26 of the Health and Safety Code, not less than ten days before the date of hearing.

(2.0) RULE 812 - Preliminary Matters.

Preliminary matters such as setting a date for hearing, granting continuances, approving petitions for filing, allowing amendments

(2.0) RULE 813 - Official Notice.

The Air Pollution Control Board may take official notice of any matter which may be judicially noticed by the courts of this state.

(2.0) RULE 814 - Continuance.

The Chairman or any two members of the Air Pollution Control Board shall grant any continuance of 15 days or less, concurred in by the respondent, the Air Pollution Control Officer, and by every person who has filed an answer or other pleading in the action and may grant any reasonable continuance; in either case such action may be ex parte, without a meeting of the Air Pollution Control Board and without such notice.

(2.0) RULE 815 - Order and Decision.

The decision shall be in writing, served and filed within 15 days after submission of the cause by the parties thereto and shall contain a brief statement of facts found to be true, the determination of the issues presented and the order of the Air Pollution Control Board. A copy shall be mailed or delivered to the Air Pollution Control Officer; the respondent, and to every person who has filed an answer or other pleading or who has applied as a party in person or by counsel at the hearing.

(2.0) RULE 816 - Effective Date of Decision.

The decision shall become effective 15 days after delivering or mailing a copy of the decision, as provided in Rule 814, or the Air Pollution Control Board may order that the decision shall become effective sooner.

(13.0) RULE 817 - Record of Proceedings.

A record of all proceedings had before the Hearing Board shall be made. The record shall be prepared in accordance with one of the following methods:

1. A written summary of all the evidence, testimony and proceedings had and presented at the hearing shall be made by a person designated by the Hearing Board for that purpose; or

2. A tape recording may be made of the proceedings; or

3. Any interested person, including the District, may at his own cost provide a certified shorthand reporter satisfactory

to the Hearing Board who shall prepare a verbatim transcript of all the evidence, testimony and proceedings had and presented at the hearing.

The Hearing Board may require that the original and one copy of such transcript, each certified to by the reporter as to its accuracy, be filed with the Hearing Board within 30 days from the closing date of the hearing unless required by the Board prior to that time.